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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,354	01/22/2004	Michiaki Sakamoto	NEC01P012-JTb	3258
21254	7590	08/17/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			TON, MINH TOAN T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,354	SAKAMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Toan Ton	2871	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 9-13, 18 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13, 18 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 11 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Song (US 2005/0030441).

Song discloses an active-matrix liquid crystal display (LCD) device comprising: a first substrate 10; a second substrate 200 disposed in opposing relation to the first substrate; a liquid crystal layer sandwiched between the first substrate and the second substrate; an overcoating layer (e.g., 100) disposed on the first substrate; a plurality of pixel electrodes 82 arranged in a matrix on the first substrate and on the overcoat layer; a plurality of switching elements disposed on the first substrate in association with the pixel electrodes, respectively, for driving the pixel electrodes, respectively; a plurality of data lines (e.g., 62) disposed on the first substrate at respective gaps between adjacent two of the pixel electrodes, for supplying data signals to the switching elements; and a black matrix (e.g., 90/92) disposed on the first substrate in association with the data lines, for inherently blocking light passing in a predetermined viewing angle range through a light leakage region created in the liquid crystal layer depending on a potential difference between adjacent two of the pixel electrodes.

Art Unit: 2871

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 5-6, 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song as applied to claims 1, 4, 11 and 25-29 above.

The use of color filters on either substrate is common and known for providing a color display device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ color filters on the first substrate, as common and known in the art, for providing a color display device.

Song discloses the black matrix comprising materials such as non-transparent insulating material (see at least col. 2, [0041]).

***Election/Restriction***

3. Newly submitted claims 21-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 21, 23 and 22, 24 are drawn to previously non-elected species II and III, respectively.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

Art Unit: 2871

on the merits. Accordingly, claims 21-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Allowable Subject Matter***

1. Claims 9-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not anticipate nor render obvious to one ordinary skilled in the art an active matrix liquid crystal display device comprising a combination of various elements as claimed, more specifically, the black matrix having a portion overlapping the pixel electrodes, the portion having a width  $W$  represented by  $W \geq d_{LC}/4 + d_{oc} \cdot \tan\theta$ , where  $d_{LC}$  represents a thickness of the liquid crystal layer,  $d_{oc}$  represents a thickness of the overcoat layer on the black matrix, and  $\theta$  represents one-half of a given viewing angle  $2\theta$ .

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2871

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (571) 272-2303

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 16, 2006

  
TOANTON  
PRIMARY EXAMINER